



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Venegas, Jr.

Serial No.: 10/022,002

Group No.: 3634

Filed: December 14, 2001

Examiner: J. Novosad

For: MODULAR OFFICE FURNITURE

RESPONSE TO OFFICE ACTION

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22022-1450

RECEIVED  
DEC 10 2003  
GROUP 3600

Dear Sir:

In response to the Office Action mailed July 2, 2003, the claims of this application are being resubmitted in unamended form for reconsideration in view of the following remarks.

Claims 1, 13, 32 and 33 stand rejected under 35 U.S.C. §112, first paragraph. *According to the Examiner*, the specification does not state how the sheathing is "removable and replaceable." "Further still, is noted that the specification ... does not describe in any way nor does not it even mention that the sheathing is 'removable' or 'replaceable.'" The Examiner is incorrect. In establishing a disclosure, an Applicant may rely not only on the description and drawing as filed *but also on the original claims of their content justifies it*. "The claims should not be attacked either objection or rejection because the subject matter is lacking in the drawing and the specification." See MPEP §608.01(I). The claims as originally filed *disclose* all of the subject matter to which the Examiner objects, including the relationship between the diameters of the various, the removable fittings, and the ability to "remove and replace" the sheathing. If necessary, Applicant is prepared to amend the non-claimed portion of the specification to import language from the claims.

With regard to the rejection under 35 U.S.C. §112, second paragraph, Applicant believes all of the claims referenced by the Examiner are perfectly understandable, and that "awkwardness" is not a grounds for rejection.

With regard to the rejections under 35 U.S.C. §103, Applicant rests on all of the arguments previously made of record.

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6200

Best Available Copy

Serial No. 10/022,002

- 2 -

30210sh

Respectfully submitted,

By: \_\_\_\_\_

John G. Posa  
Reg. No. 37,424  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, PC  
280 N. Old Woodward Ave., Ste 400  
Birmingham, MI 48009  
(734) 913-9300 FAX (734) 913-6007

Date: Oct. 2, 2003

\*\*\*

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date indicated below and is addressed to: Mail Stop Non Fee Response, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: Oct. 2, 2003

  
\_\_\_\_\_  
Sheryl L. Hammer

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, PC. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6000

Best Available Copy